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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE				FEB 14 2007
PETITION FOR WITHDRAWAL FROM ISSUE PURSUANT TO 37 C.F.R. § 1.313(c)(2)		Docket Number 13101/48801 OFFICE OF PETITIONS		
Application Number 09/978,273	Filing Date October 15, 2001	Examiner Cynthia E. COLLINS	Art Unit 1638	
Invention Title PLANT CELL DEATH SYSTEM		Inventor(s) THOMAS, et al.		

VIA FACSIMILE February 14, 2007
Office of Petitions
Madison West Building, 7th floor
600 Dulany Street
Alexandria, VA 22314

CERTIFICATION OF FACSIMILE TRANSMISSION
I hereby certify that this paper is being facsimile transmitted to
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Anthony Giaccone
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Anthony Giaccone *Feb. 14, 2007*
Signature Date

**PETITION FOR WITHDRAWAL FROM ISSUE
AFTER ISSUE FEE PAYMENT AND PRIOR TO ISSUANCE
PURSUANT TO 37 C.F.R. § 1.313(c)(2)**

Sir:

Applicants respectfully petition for withdrawal of the above-identified patent application from issue prior to the anticipated issue date of February 20, 2007. An Issue Notification was mailed on January 31, 2007 stating that the anticipated issue date for issuance as US Patent No. 7,179,958 will be February 20, 2007.

This petition to withdraw the application from issue is made pursuant to 37 C.F.R. § 1.313(c)(2). Along with this petition, Applicants are submitting a Request for Continued Examination in accordance with 37 C.F.R. § 1.114 in order to permit consideration of an Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and references cited therein. The Request for Continued Examination, Supplemental Information Disclosure Statement, PTO Form 1449, and documents cited therein are transmitted herewith.

The Office is authorized to charge the \$130.00 petition fee under 37 C.F.R. § 1.17(h), along with any other charges which may be associated with this paper, to **Kenyon & Kenyon LLP Deposit Account 11-0600**. A duplicate copy of this paper is enclosed.

02/13/2007 CXHLOK 00000002 110600 09978273

01 05:1654 130.00 DA

Date: *Feb. 14, 2007*

Respectfully submitted,

Anthony Giaccone
Anthony Giaccone
Registration No. 39,684
KENYON & KENYON LLP
One Broadway
New York, NY 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)



One Broadway
New York, NY 10004-1007
212.425.7200
Fax 212.425.5288

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From: **Anthony Giaccio** Date: **February 14, 2007**
Direct Dial: **212.908.6419** Fax: **212.425.5288**
Client/Matter: **13101/48801** Total number of pages: **55**
(including cover)

Please deliver to: Ms. Alicia Kelly

Company	Fax
USPTO Office of Petitions	571-273-0025

Message:

Re: U. S. Application Serial Number 09/978,273; Filing Date October 15, 2001
Title: PLANT CELL DEATH SYSTEM
Patent Number 7,179,958; Anticipated issue date = February 20, 2006
Attorney Docket Number 13101/48801

To whom it may concern,

Attached are the following documents for filing

1. Petition For Withdrawal From Issue Pursuant to 37 C.F.R. §1.313 (c)(2):
2. Request for Continued Examination
3. Supplemental Information Disclosure Statement
4. PTO Form 1449
5. References accompanying PTO Form 1449.

Please acknowledge safe receipt of the attached documents by return facsimile to 212-425-5288.

Sincerely
Kenyon & Kenyon LLP

Anthony Giaccio

CERTIFICATION OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office, Office of Petitions, Fax No. 571-273-0025, on the date shown below: <u>Anthony Giaccio</u> Type or print name of person signing certification Signature <u>Feb 14, 2007</u> Date	
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